

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>MANUEL ARIAS, et al.,</b>	:
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<b>Plaintiff,</b>	:
	:
<b>-against-</b>	:
	:
<b>A&amp;J DELI FISH CORP. d/b/a AURORA</b>	:
<b>FISH GRILL, et al.,</b>	:
	:
<b>Defendants.</b>	:
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**19-cv-4042 (ALC) (BCM)**

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

**ANDREW L. CARTER, JR., United States District Judge:**

Magistrate Judge Barbara Moses issued a Report and Recommendation (“R&R”) on December 14, 2023 recommending that plaintiffs Manuel Arias and Daniel Mejia be awarded damages for unpaid minimum and overtime wages, statutory penalties, and related relief from defendants A&J Deli Fish Corp. d/b/a Aurora Fish Grill (A&J) and Julio Castillo in the aggregate amount of \$174,646: (a) \$86,099 in unpaid minimum and overtime wages (\$72,582 for Arias and \$13,517 for Mejia); (b) \$86,099 in liquidated damages for the unpaid minimum and overtime wages (\$72,582 for Arias and \$13,517 for Mejia); (c) \$1,224 in unpaid "spread of hours" pay (for Arias only); and (d) \$1,224 in liquidated damages for unpaid spread of hours pay (for Arias only). In addition, Magistrate Judge Moses recommended that Arias be awarded prejudgment interest in the amount of \$18.20 per day from December 13, 2016, until the date of entry of judgment, and that Mejia be awarded prejudgment in the amount of \$3.33 per day from October 23, 2017, until

the date of entry of judgment and that plaintiffs be awarded \$34,470 in attorneys' fees and \$400 in costs. No objections were made after the R&R was filed.

Plaintiffs have filed a letter-motion to request that the Court adopt and approve Magistrate Judge Moses's R&R. "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Figueroa v. Riverbay Corp.*, No. 06-CV-5364, 2006 WL 3804581, at \*1 (S.D.N.Y. Dec. 22, 2006) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). The Court has reviewed Magistrate Judge Moses's discussion of the law and record in the R&R and concludes that there is no clear error.

In light of the foregoing, the Court **ADOPTS** Magistrate Judge Moses's R&R. The Court respectfully directs the Clerk of Court to close this case.

**SO ORDERED.**

**Dated: New York, New York  
April 26, 2024**

**/s/ Andrew L. Carter, Jr.  
ANDREW L. CARTER, JR.  
United States District Judge**